



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 15, 2009

RE: FORMER GENERAL INDUSTRIES  
OHD 004 448 551  
LORAIN COUNTY

Mr. John Peshek  
c/o B-Vest Properties  
154 Olive Street  
Elyria, OH 44035

**CERTIFIED MAIL**

And

Mr. Robert F. Walter  
2415 Lee Road Unit #2  
Cleveland, OH 44118

US EPA RECORDS CENTER REGION 5



466460

Dear Messrs. Peshek and Walter:

Enclosed please find a copy of the inventory made by Ohio EPA on June 5, 2009. An electronic copy of this was sent to Mr. Walter on June 26, 2009. Bob Princic with the Division of Air Pollution Control, NEDO has indicated to me that an additional drum was found on the east side of the property. This list is not meant to be exhaustive since there were several areas of the property Ohio EPA did not enter on June 5, 2009. Any containerized material found during the remediation of the site should be noted and its disposition documented.

Ohio EPA is aware that you have received a Unilateral Administrative Order (UAO) from U.S. EPA that requires you, in part to characterize the material in the containers prior to removing the material from the site. As I discussed with Mr. Walter during a telephone conversation on June 26, 2009, there are several key issues you want to keep in mind during any sampling.

First, the sampling needs to be representative of the material. Should you want to composite samples from various containers, you will need to make a demonstration that the material in various drums is similar. This goes beyond a visual comparison. Any plan to U.S. EPA should outline the field testing to be completed and the decision tree outlining what materials may be composited. Please note, compositing can change the individual sample values due to dilution, loss of volatiles due to mixing or due to a chemical interaction occurring between constituents in the samples being combined. In addition, should any of the materials need to be disposed as a hazardous waste, an individual grab sample from each waste stream is required to demonstrate compliance with the land disposal restriction rules.

Another concern mentioned to Mr. Walter was the need to collect a representative sample of all the phases of material that may be in the container(s). Care will need to be taken to ensure that any solid phase that may be in the bottom of the containers is included in the sampling.

You should review "Standard Guide for Composite Sampling and Field Subsampling for Environmental Waste Management Activities (ASTM D 6051-96)" for further guidance on composite sampling.



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Mr. Peshek has on a number of occasions expressed his belief that many of the containers hold usable product and his wish to sell these materials for re-use. While Ohio EPA encourages the valid reuse of materials, you should be aware of Ohio EPA's expectations to demonstrate this is legitimate recycling of the material. The main areas of concern are around the intent of the owner/operator accepting this material. For what purpose can the new owner use this material? Does any material you would want to sell have any real value as a raw material product? Is it likely to be abandoned or mis-managed at the new location rather than being used? If these questions cannot be answered in a satisfactory manner, it may appear to Ohio EPA that waste was shipped off site to a facility not permitted to accept waste. As I have stated in previous correspondence, this could be a major violation of hazardous waste laws and rules; therefore care must be taken prior to moving material off-site in lieu of disposal.

If you need to contact Ohio EPA regarding this issue, please contact me at (330) 963-1159.

Sincerely,



Karen Nesbit  
Division of Hazardous Waste Management

KN:ddw

Enclosure

cc: Bob Princic, DAPC, NEDO  
Keith Riley, Assistant Chief, NEDO  
Rich Blasick, DSW, NEDO  
Natalie Oryshkewych, DHWM, NEDO  
Tom Buchan, DAPC, CO  
Charlotte Hickox, Director's Office  
Jim Augustyn, U.S. EPA - Westlake  
Terry Shilling, City of Elyria  
Sally Jansen, U.S. EPA - Region V